



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 30 2004

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gary Bernardo  
Vice President of Manufacturing  
Trelleborg Wheel Systems of America, Inc.  
61 State Route 43 North  
Hartville, OH 44632

Re: Trelleborg Wheel Systems  
Administrative Order

Dear Mr. Bernardo:

Enclosed is an executed original of a Consent Order regarding the above captioned case. Please be advised that the U.S. Environmental Protection Agency does not plan any further enforcement action regarding the violations described in the Notices of Violation dated September 26, 2002, and May 23, 2003.

If you have any questions about the Order, please contact me at (312) 886-6798.

Sincerely yours,

A handwritten signature in black ink that reads "William L. MacDowell".

William L. MacDowell, Chief  
Air Enforcement and Compliance Assurance Section MN/OH

Enclosure

cc: Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. 1049  
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor  
Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Trelleborg Wheel Systems	)	<b>Administrative Consent Order</b>
Americas, Inc.	)	
	)	<b>EPA-5-04-113(a)-OH-06</b>
Proceeding Under	)	
Section 113(a)(1)(A) and	)	
114(a)(1) of the Clean Air	)	
Act, 42 U.S.C. §	)	
7413(a)(1)(A) and 7414(a)(1)	)	

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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Trelleborg Wheel Systems Americas, Inc. (Trelleborg Wheel Systems) under Sections 113(a)(1)(A) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1)(A) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of U.S. EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On March 23, 1995, U.S. EPA approved a revised OAC 3745-21-09(U) as part of the federally enforceable state implementation plan (SIP) for Ohio (federally approved SIP). 60 Fed. Reg. 15235.

4. OAC 3745-21-09(U)(1)(c) of the federally approved SIP (hereinafter OAC 3745-21-09(U)(1)(c)) states, in pertinent part, that no owner or operator of a miscellaneous metal part or product coating line may cause, allow, or permit the discharge into the ambient air of any volatile organic compounds (VOCs) from such coating line in excess of 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, for an extreme performance coating.

5. Under Section 113(a)(1)(A) of the Act, 42 U.S.C. § 7413(a)(1)(A), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is

violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. The Administrator of U.S. EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

7. Trelleborg Wheel Systems owns and operates an industrial tire manufacturing facility at 61 State Route 43 North, Hartville, Ohio ("Hartville facility").

8. As part of its tire manufacturing operation, Trelleborg Wheel Systems operates three tire rim preparation lines at the Hartville facility, K003, K005, and K011, which apply extreme performance coatings to miscellaneous metal parts and products. Therefore, Trelleborg Wheel Systems is subject to OAC 3745-21-09(U)(1)(c), which prohibits the use of extreme performance coatings that contain VOCs in excess of 3.5 pounds per gallon of coating, excluding water and exempt solvents.

9. Trelleborg Wheel Systems used extreme performance coatings on rim preparation lines K003, K005, and K011 that exceeded 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, in violation of OAC 3745-21-09(U)(1)(c).

10. On September 26, 2002, U.S. EPA issued a notice of violation and on May 27, 2003, U.S. EPA issued an amended notice of violation to Trelleborg Wheel Systems, each alleging multiple violations of OAC 3745-21-09(U)(1)(c).

11. On November 6, 2002 and June 19, 2003, U.S. EPA and Trelleborg Wheel Systems held conferences to discuss the September 26, 2002 and May 27, 2003 notices of violation, respectively.

12. Trelleborg Wheel Systems owns and operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Trelleborg Wheel Systems is subject to the requirements of Section 114(a)(1).

### **Compliance Program**

13. Trelleborg Wheel Systems has advised the U.S. EPA that

it has identified a coating useable at its Hartville, Ohio facility on rim preparation line K011 that complies, when used as an extreme performance coating, with the requirements of OAC 3745-21-09(U)(1)(c). Trelleborg Wheel Systems, however, may not use this coating on line K011 under the current Permit to Install (PTI) issued by the Ohio Environmental Protection Agency (OEPA) for that line K011.

14. The OEPA has prepared a draft revised PTI that would apply at Trelleborg Wheel Systems' Hartville, Ohio facility to rim preparation lines K003, K005, and K011 that would permit the use of the coating described in paragraph 13.

15. If the OEPA issues a final PTI that applies at the Hartville facility to rim preparation lines K003, K005, and K011 and that would permit the use of the coating described in paragraph 13, Trelleborg must achieve, demonstrate and maintain compliance with OAC 3745-21-09(U)(1)(c) for rim preparation lines K003, K005, and K011, no later than 60 days after such permit is issued. Notwithstanding any other provision of this Order, however, Trelleborg Wheel Systems must achieve, demonstrate and maintain compliance with OAC 3745-21-09(U)(1)(c) on lines K003, K005, and K011 no later than one year after the effective date of this Order, whether or not the revised PTI described in paragraph 14 has been issued and/or is effective by that date.

16. After the date by which compliance with OAC 3745-21-09(U)(1)(c) is to be demonstrated, achieved, and maintained, as specified in paragraph 15, when applying extreme performance coatings, Trelleborg Wheel Systems must not use coatings with VOCs in excess of 3.5 lbs of VOC per gallon of coating, excluding water and exempt solvents, on rim preparation lines K003, K005, and K011, as required by OAC 3745-21-09(U)(1)(c) for extreme performance coating of miscellaneous metal parts and products, except as provided in Paragraph 17.

17. On rim preparation lines K003 and K005, Trelleborg Wheel Systems may choose to use less coating than the applicable daily cutoff amounts provided in OAC 3745-21-09(U)(2)(e) of the federally approved SIP (hereinafter OAC 3745-21-09(U)(2)(e)) in lieu of meeting the VOC emission limit in paragraphs 15 and 16. However, if Trelleborg Wheel Systems ever uses - or has ever used since November 1, 2002 - more coating than the applicable daily cutoff amounts in OAC 3745-21-09(U)(2)(e) of the federally approved SIP on rim preparation line K003 or K005, it must thereafter meet the emission limits in OAC 3745-21-09(U)(1)(c) for that line.

18. Within 90 days after the date by which compliance with OAC 3745-21-09(U)(1)(c) is to be demonstrated and achieved, as specified in paragraph 15, and under the authority of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), Trelleborg Wheel Systems shall submit a written report certifying compliance with Paragraphs 13 through 17 and describing the actions taken in response to this Order. If Trelleborg Wheel Systems chooses to comply with Paragraph 17 in lieu of Paragraphs 15 and 16 for rim preparation lines K003 and K005, Trelleborg Wheel Systems must submit coating usage records for these lines from November 1, 2002, through the date of the report as part of this report. Trelleborg Wheel Systems must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604.

#### **General Provisions**

19. This Order does not affect Trelleborg Wheel Systems' responsibility to comply with other local, state, and federal laws and regulations.

20. This Order does not restrict U.S. EPA's authority to enforce the Ohio SIP, or any section of the Act.

21. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Trelleborg Wheel Systems' violation of the Ohio SIP.

22. Failure to comply with this Order may subject Trelleborg Wheel Systems to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

23. The terms of this Order are binding on Trelleborg Wheel Systems, its assignees and successors. Trelleborg Wheel Systems must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Trelleborg Wheel Systems has given the notice.

24. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of

information by an agency from specific individuals or entities as part of an administrative action or investigation.

25. U.S. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.

24. Trelleborg Wheel Systems agrees to the terms of this Order, except that Trelleborg Wheel Systems neither admits nor denies the violations alleged in this Order or in the NOVs.

25. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire six months from the date Trelleborg Wheel Systems achieves compliance with paragraphs 15 through 18 for all three lines K003, K005, and K011, provided Trelleborg Wheel Systems has complied with all of its terms.

9-30-2004

Date

Mark Latta Counsel for Trelleborg

Gary Bernardo, Vice President of  
Manufacturing  
Trelleborg Wheel Systems Americas  
Inc.

9/30/04

Date

Stephen Rothblatt  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-04-113(a)-OH-06, by Certified Mail, Return Receipt Requested, to:

Gary Bernardo  
Trelleborg Wheel Systems  
61 State Route 43 North  
Hartville, OH 44632

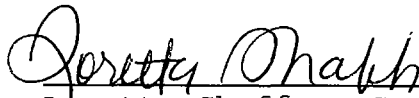
I also certify that I sent a copy of the Administrative Consent Order EPA Order No. EPA-5-04-113(a)-OH-06, First Class Mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. 1049  
Columbus, Ohio 43216-1049

and

Lynn Malcolm, Administrator  
Akron Regional Air Quality Management District  
146 South High Street, Room 904  
Akron, Ohio 44308

on the 1<sup>st</sup> day of October 2004.

  
Loretta Shaffer, Secretary  
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0004 1558 5281